

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AKIVA A. ISRAEL,

Plaintiff,

v.

ROBERT NEGRETE,

Defendant.

No. 2:22-cv-1391-TLN-CSK P

ORDER

Plaintiff Akiva A. Israel (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 14, 2025, the magistrate judge filed findings and recommendations which were served on all parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. Despite two separate extensions, neither party filed objections.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed *de novo* by both the district court and [the appellate] court[.]”). Having reviewed the file, the Court finds the findings and recommendations to be supported by

1 the record and by the proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations (ECF No. 27) are ADOPTED in full;
- 4 2. Defendant's motion to set aside the Clerk's entry of default (ECF No. 23) is
- 5 GRANTED; and
- 6 3. The Clerk of the Court is directed to set aside the Clerk's entry of default (ECF No.
- 7 23) and file Defendant's answer (ECF No. 23-1).

8 Date: March 21, 2025

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11 TROY L. NUNLEY
12 CHIEF UNITED STATES DISTRICT JUDGE
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